



COMMONS REGISTRATION ACT 1965

Reference Nos 26/U/24  
26/U/25  
26/J/26

In the Matter of three parts of  
The Green, Nether Heyford,  
Northampton Borough, Northamptonshire

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DECISION

These references relate to the question of the ownership of land being three of the pieces known as The Green, Nether Heyford, Northampton Borough and being the lands comprised in the Land Section of Register Unit No VG. 54, No VG. 55 and No VG. 56 in the Register of Town or Village Greens maintained by the Northamptonshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of these references Mr W J Butcher of 15 Priory Rd, Wollarton, Wellinborough claimed that the lands belong to the people of Nether Heyford for their use for any purpose except for the building of any permanent building. They have (so he said) the right to run cattle and fowl on the land and also to hold sports, and no other person, council, parish council or government department etc has any right to claim ownership. No person claimed to be the freehold owner of the lands in question and no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Northampton on 7 July 1977. At the hearing Nether Heyford Parish Council were represented by Mr S J Rolfe their chairman.

The three pieces comprising the land in these Register Units according to the Register map together contain 5.508 acres, and together form the greater part of the land known as the Green. The three other pieces registered under the Act in Register Unit Nos VG. 51, VG. 52 and VG. 53 are comparatively very small pieces on the west and south.

Mr Rolfe who is 62 years of age, has lived in the Parish for 57 years, and been a member of the Parish Council for 20 years, said (in effect):- He knew nothing of Mr Butcher. The Parish Council had no deeds relating to The Green. The Parish Council had investigated the history of The Green as far back as 1759 in the archives of the County Council; the documents possibly relevant were in old English, and difficult to read, and they had discovered no more than that Lord Povis was Lord of the Manor. All the time he had been a member, the Parish Council had administered The Green, and he had understood from his father who had been a member for 30 years and who died in 1954, that the Parish Council had administered it during his time. On the largest of the pieces (VG. 54),



Football is played, although it is not large enough for a full scale game. One of the smaller pieces (VG. 55) is used as (or as if it was) part of the School playground. The other smaller piece (VG. 56) is now developed as a play area, with swings, slides etc; it was levelled about 10 years ago from soil available when the M1 motorway was built. His feeling is that the Parish Council are now and have always been in possession.

In the particular circumstances of this case, it may not matter whether I am or am not on the evidence of Mr Rolfe satisfied as to the ownership of the Parish Council, because if I am so satisfied, I am required by subsection (2) of section 8 of the 1965 Act to direct their registration as owners, and if I am not so satisfied, there being no evidence that any other person could be the owner, I am required by subsection (3) of the same section to direct the registration of the Parish Council as owners.

Although Mr Rolfe did not go into any detail as to the acts of possession done by the Parish Council, I can I think properly give full weight to what he said and conclude that the Parish Council are in law in possession and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership. I am therefore satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Northamptonshire County Council as registration authority to register Nether Heyford Parish Council as the owners of the lands under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 15<sup>th</sup> day of August 1977

A. A. Bacon-Jones

Commons Commissioners